

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERIC T. WRHEL,

Plaintiff,

v.

MITCH MCCONNELL,

Defendant.

OPINION & ORDER

16-cv-115-jdp

Eric T. Wrhel, a Madison resident, brings this lawsuit against United States Senator Mitch McConnell for “Obstruction of Government operation, Abuse of Leader office powers, Negligence of performing duly elected duties, [and] tampering with executive power of the office of the president of the United States.” Dkt. 1. For relief, plaintiff “ask[s] the U.S. House of Representatives to remove Mr. McConnell from his office.”

Plaintiff has paid the full filing fee for this action, and therefore the complaint does not have to be screened under the *in forma pauperis* statute, 28 U.S.C. § 1915. But this court has the inherent authority to screen and dismiss the case *sua sponte*. See *Mallard v. U.S. Dist. Ct.*, 490 U.S. 296, 307-08 (1989) (*in forma pauperis* statute “authorizes courts to dismiss a ‘frivolous or malicious’ action, but there is little doubt they would have power to do so even in the absence of this statutory provision.”); *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) (“district courts have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status.”).

I must construe plaintiff’s pro se pleading generously. See *Haines v. Kerner*, 404 U.S. 519, 521 (1972). I do not doubt the sincerity of plaintiff’s concerns, but I must dismiss the

case as frivolous.¹ This court does not have the power to remove a United States senator from office, nor does it have the power to direct Congress to do so. That power resides exclusively with the Senate itself: Article I, Section 5, of the United States Constitution provides that “Each House [of Congress] may determine the Rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.”

Because I see no possibility that plaintiff could have a legitimate claim for legal relief against Senator McConnell, I will dismiss this case without offering an opportunity to amend the complaint.

¹ Plaintiff supports his allegations with an attached article from the New Yorker purporting to quote Senator McConnell as stating, “The President should be aware that, for all intents and purposes, his term in office is already over It’s not the time to start doing things when you have a mere eight thousand one hundred and sixty hours left.” *See* Dkt. 1-1, Andy Borowitz, *G.O.P. Warns Obama Against Doing Anything for Next Three Hundred and Forty Days*, The New Yorker, February 15, 2016, <http://www.newyorker.com/humor/borowitz-report/g-o-p-warns-obama-against-doing-anything-for-next-three-hundred-and-forty-days>. The author, Andy Borowitz, writes a “satirical news column” for the New Yorker. *See* <http://www.newyorker.com/contributors/andy-borowitz> (last visited Mar. 9, 2016). The quotations from Mr. Borowitz’s satirical article are not authentic, but the article makes the point that Senator McConnell opposes many of President Obama’s actions.

ORDER

IT IS ORDERED that:

1. This case is DISMISSED with prejudice as frivolous.
2. The clerk of court is directed to enter judgment for defendant and close this case.

Entered March 14, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge